

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION  
AND IS NOT BINDING PRECEDENT OF THE BOARD

Filed by: Trial Section Merits Panel  
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Paper No. 29 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**FAXED**

WALTER G. FISHER, ERIC A. WACHTER  
and H. CRAIG DEES,  
Junior Party,  
(Patent No. 5,829,448)

JAN 13 2004

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

v.

PARAS N. PRASAD, JAYANT D. BHAWALKAR,  
GUANG S. HE, CHAN F. ZHAO  
and JAROSLAW ZIEBA,  
Senior Party  
(Application 09/265,625)

Patent Interference No. 105,133

Before LEE, LANE and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

**Judgment**

On January 8, 2004, senior party Prasad filed a paper requesting entry of adverse judgment. The request is **granted**. It is

**ORDERED** that judgment as to the subject matter of Count 1 is hereby entered against senior party PARAS N. PRASAD, JAYANT D. BHAWALKAR, GUANG S. HE, CHAN F.

Interference No. 105,133

Fisher v. Prasad

ZHAO and JAROSLAW ZIEBA;

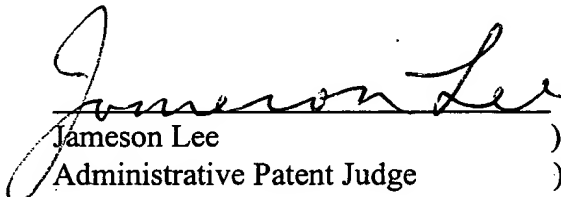
**FURTHER ORDERED** that senior party PARAS N. PRASAD, JAYANT D.

BHAWALKAR, GUANG S. HE, CHAN F. ZHAO and JAROSLAW ZIEBA is not entitled to its application claims 290-310 and 313-320 which correspond to Count 1;

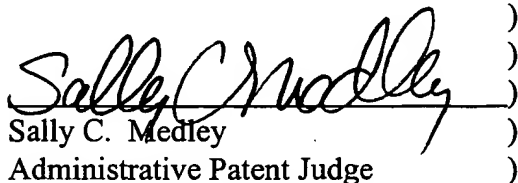
**FURTHER ORDERED** that to the extent the senior party desires to abandon claims additional to those corresponding to the count, it shall take that up with the primary examiner after termination of the interference;

**FURTHER ORDERED** that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

**FURTHER ORDERED** that a copy of this judgment be filed in the respective involved application or patent of the parties.

  
Jameson Lee  
Administrative Patent Judge

  
Sally Gardner Lane  
Administrative Patent Judge

  
Sally C. Medley  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

Interference No. 105,133  
Fisher v. Prasad

By Facsimile

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